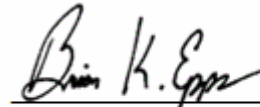


AUGUSTA DIVISION

Plaintiff, a former inmate at Columbia County Detention Center in Augusta, Georgia, brought the above-captioned case pursuant to 42 U.S.C. § 1983. On September 25, 2014, the Columbia County Sheriff's Office filed a suggestion of death notifying the Court that Plaintiff had passed away on September 22, 2014. (Doc. no. 9.) On October 28, 2014, the Court directed the United States Marshal to serve the suggestion of death and complaint on Plaintiff's personal representative. (Doc. no. 10.) The United States Marshal subsequently filed a return stating that Darla and Robert Smith, Plaintiff's parents, were served on November 7, 2014. Under Fed. R. Civ. P. 25(a), if a motion to substitute is not made by a decedent's representative or successor within ninety days of service of the suggestion of death, then the action by or against the decedent must be dismissed. Here, Plaintiff's parents have been properly served with the notice of death and the complaint and have not moved to substitute. Therefore, the Court **REPORTS**

and **RECOMMENDS** that Plaintiff's complaint be **DISMISSED** for failure to substitute under Fed. R. Civ. P. 25(a).

SO REPORTED and RECOMMENDED this 9th day of February, 2015, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA